IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1745 OF 2006

Shri Vasant Subhana Gaikwad ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Indrajeet Joshi with Shri S.R.Mithare for the Applicant.

Ms S.U. Gajre, A.P.P. for the Respondent-State.

CORAM : A. S. OKA, J.
DATE : JULY 07, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. for the State. As the first Bail Application filed by the present Applicant was rejected by me, by Administrative Order dated 13th June, 2006, the Hon'ble the Chief Justice directed that this Application should be placed before me.

2. The learned counsel appearing for the Applicant submitted that the Trial has not commenced as yet. He submitted that there is every possibility that trial will not be concluded in reasonable time as prosecution intends to examine thirty-six witnesses. He submitted that some of the co-accused who have

played similar role have been ordered to be enlarged on bail by order dated 05th July, 2005.

3. The learned A.P.P. for the State opposed the Application and stated that the trial will commence on 10th July, 2006. The learned A.P.P. did not dispute that the prosecution desires to examine thirty-six witnesses.

4. I have considered the submissions. Some of the co-accused have been granted bail by the same order by which the present Applicant was denied bail. Therefore, the fact that certain co-accused have been enlarged on bail cannot be treated as a material change in circumstances requiring intereference with the view taken earlier.

5. Interests of justice will be met if the trial is directed to be concluded expeditiously.

6. Hence, I pass following order:

(i) Application is rejected.

(ii) The Sessions Judge will conclude trial as expeditiously as possible.

(iii) If the trial is not concluded within a period of nine months from today, the Applicant will be at liberty to make a fresh application for bail.

(iv) Parties to act upon an authenticated copy of this order.

JUDGE